

Chapter 8.43

COSTS OF EMERGENCY RESPONSE

(3888-9/10, Resolution No. 2010-57, 3902-12/10)

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8.43.010 Definitions. For purposes of this chapter, the following words shall have the meaning hereafter set forth unless a different meaning is clearly intended from the context in which such word is used. Any word not defined herein shall have the meaning attributed to it in ordinary usage.

(a) “Expenses of an Emergency Response” means those reasonable and necessary costs directly incurred by the City in making an appropriate emergency response to an incident, and include the cost of providing police, firefighting, search and rescue, and emergency medical services at the scene of an incident, and salaries of the persons who respond to the incident, but does not include charges assessed by an ambulance service.

(b) “Hazardous Materials” shall mean the same as the term “Hazardous Waste” as defined by the California Department of Health pursuant to Health and Safety Code Sections 25117 and 25141.

(c) “Incident” means any event which causes an emergency response by the City.

8.43.020 Rate Schedule Adoption. The City Council shall adopt and amend, from time to time, a schedule of rates as described in this section by resolution.

8.43.030 Costs of Emergency Response. Rates to cover the costs of services provided by this section are as follows:

(a) The following rates shall be charged for recovery of costs associated with hazardous materials mitigation and/or clean up and investigation, including, but not limited to, pipeline (i.e., gas, sewer, septic to sewer and water pipelines) and/or power line incidents and other emergency incidents: (3902-12/10)

- (1) Hazardous materials mitigation and/or clean up and investigation costs shall be determined on a case-by-case basis by the Fire Chief, his/her designee or third party billing service in an amount not to exceed the amount directly incurred by the City to provide such service, including, but not limited to, reasonable costs of collecting such rates, including reasonable attorney fees. Such cost shall be charged according to the usual, customary and reasonable rates as set by a schedule of rates adopted by Resolution of the City Council. (3902-12/10)

(b) **Persons Subject to Charges.** Except as provided herein, the foregoing charges shall be charged to any person or persons whose negligent or willful act is the cause of any release or discharge of any hazardous materials, including, but not limited to, pipeline and/or power line incidents. Costs shall also be charged for any other emergency incident. (3902-12/10)

(c) **Non-Exclusive Remedies.** Nothing in this section precludes the City of Huntington Beach from using any other available method to recover costs as described in this section by any other means available by law. (3902-12/10)